

AMENDED IN SENATE AUGUST 20, 2013

AMENDED IN SENATE JUNE 26, 2013

AMENDED IN ASSEMBLY APRIL 24, 2013

AMENDED IN ASSEMBLY APRIL 8, 2013

AMENDED IN ASSEMBLY MARCH 21, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1371

Introduced by Assembly Member Bradford

February 22, 2013

An act to ~~amend~~ *amend, repeal, and add* Section 21750 of, and to add Section ~~21750.1~~ 21760 to, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1371, as amended, Bradford. Vehicles: bicycles: passing distance.

Under existing law, a driver of a vehicle overtaking another vehicle or a bicycle proceeding in the same direction is required to pass to the left at a safe distance without interfering with the safe operation of the overtaken vehicle or bicycle, subject to certain limitations and exceptions. A violation of this provision is an infraction punishable by a fine not exceeding \$100 for a first conviction, and up to a \$250 fine for a 3rd and subsequent conviction occurring within one year of 2 or more prior infractions.

This bill would enact the Three Feet for Safety Act, which would require the driver of a motor vehicle overtaking and passing a bicycle that is proceeding in the same direction on a highway to pass in compliance with specified requirements applicable to overtaking and

passing a vehicle, and to do so at a safe distance that does not interfere with the safe operation of the overtaken bicycle, having due regard for the size and speed of the motor vehicle and the bicycle, traffic conditions, weather, and the surface and width of the highway. The bill would prohibit, with specified exceptions, the driver of the motor vehicle that is overtaking or passing a bicycle proceeding in the same direction on a highway from passing at a distance of less than 3 feet between any part of the motor vehicle and any part of the bicycle or its operator. The bill would make a violation of these provisions an infraction punishable by a \$35 fine. The bill would also require the imposition of a \$220 fine on a driver if a collision occurs between a motor vehicle and a bicyclist causing bodily harm to the bicyclist, and the driver is found to be in violation of the above provisions. *This bill would make these provisions operative on September 16, 2014.*

Because this bill would create a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 21750 of the Vehicle Code is amended
- 2 to read:
- 3 21750. (a) The driver of a vehicle overtaking another vehicle
- 4 or a bicycle proceeding in the same direction shall pass to the left
- 5 at a safe distance without interfering with the safe operation of the
- 6 overtaken ~~vehicle~~; vehicle or bicycle, subject to the limitations and
- 7 exceptions set forth in this article.
- 8 (b) *This section shall become inoperative on September 16,*
- 9 *2014, and, as of January 1, 2015, is repealed, unless a later*
- 10 *enacted statute, that becomes operative on or before January 1,*
- 11 *2015, deletes or extends the dates on which it becomes inoperative*
- 12 *and is repealed.*
- 13 SEC. 2. Section 21750 is added to the Vehicle Code, to read:

1 21750. (a) *The driver of a vehicle overtaking another vehicle*
2 *proceeding in the same direction shall pass to the left at a safe*
3 *distance without interfering with the safe operation of the overtaken*
4 *vehicle, subject to the limitations and exceptions set forth in this*
5 *article.*

6 (b) *This section shall become operative on September 16, 2014.*

7 ~~SEC. 2.~~

8 ~~SEC. 3.~~ Section ~~21750.1~~ 21760 is added to the Vehicle Code,
9 to read:

10 ~~21750.1.~~

11 21760. (a) This section shall be known and may be cited as
12 the Three Feet for Safety Act.

13 (b) The driver of a motor vehicle overtaking and passing a
14 bicycle that is proceeding in the same direction on a highway shall
15 pass in compliance with the ~~provisions~~ *requirements* of this article
16 applicable to overtaking and passing a vehicle, and shall do so at
17 a safe distance that does not interfere with the safe operation of
18 the overtaken bicycle, having due regard for the size and speed of
19 the motor vehicle and the bicycle, traffic conditions, weather,
20 visibility, and the surface and width of the highway.

21 (c) A driver of a motor vehicle shall not overtake or pass a
22 bicycle proceeding in the same direction on a highway at a distance
23 of less than three feet between any part of the motor vehicle and
24 any part of the bicycle or its operator.

25 (d) If the driver of a motor vehicle is unable to comply with
26 subdivision (c), due to traffic or roadway conditions, the driver
27 shall slow to a speed that is reasonable and prudent, and may pass
28 only when doing so would not endanger the safety of the operator
29 of the bicycle, taking into account the size and speed of the motor
30 vehicle and bicycle, traffic conditions, weather, visibility, and
31 surface and width of the highway.

32 (e) (1) A violation of subdivision (b), (c), or (d) is an infraction
33 punishable by a fine of thirty-five dollars (\$35).

34 (2) If a collision occurs between a motor vehicle and a bicycle
35 causing bodily injury to the operator of the bicycle, and the driver
36 of the motor vehicle is found to be in violation of subdivision (b),
37 (c), or (d), a two-hundred-twenty-dollar (\$220) fine shall be
38 imposed on that driver.

39 (f) *This section shall become operative on September 16, 2014.*

1 ~~SEC. 3.~~
2 *SEC. 4.* No reimbursement is required by this act pursuant to
3 Section 6 of Article XIII B of the California Constitution because
4 the only costs that may be incurred by a local agency or school
5 district will be incurred because this act creates a new crime or
6 infraction, eliminates a crime or infraction, or changes the penalty
7 for a crime or infraction, within the meaning of Section 17556 of
8 the Government Code, or changes the definition of a crime within
9 the meaning of Section 6 of Article XIII B of the California
10 Constitution.